

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed June 16, 2004. At that time claims 1-23 and 29 were pending in the application. In the Office Action, the Examiner rejected claims 1-5, 7-19 and 29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,041,256 to Petty et al. (hereinafter "Petty"), in view of U.S. Patent No. 4,519,569 to Nolan (hereinafter "Nolan"). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nolan in view of Petty, and further in view of U.S. Patent No. 4,923,388 to Nakamura (hereinafter "Nakamura"). Furthermore, claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nolan in view of Petty.

By this Amendment, claims 1, 3, 9-11, 13, 20 and 29 have been amended. Claims 8, 16 and 22 have been cancelled. Accordingly, claims 1-7, 9-15, 17-21, 23 and 29 are presented for reconsideration by the Examiner.

The Applicants would like to thank Examiner Emmanuel S. Luk for conducting a telephonic interview on September 3, 2004 with Applicant's attorneys Matthew S. Bethards (Reg. No. 51,466) and L. Craig Metcalf (Reg. No. 31,398). The independent claims were discussed in light of Petty and Nolan. Applicant proposed to amend the independent claims to recite a pair of ramps and a boss disposed between the ramps. Agreement was not reached, but it was agreed that the claims as amended appeared to overcome the art of record. The Examiner indicated, however, that the amended claims would require additional consideration and search.

REJECTION OF CLAIMS 1-5, 7-19 AND 29 UNDER 35 U.S.C. §103(a)

Claims 1-5, 7-19 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Petty in view of Nolan. *See* Office Action ¶ 3, page 2. Applicant respectfully traverses this rejection with respect to the claims as amended.

According to MPEP §2143.03, to establish a *prima facie* case of obviousness, "all of the claim limitations must be taught or suggested by the prior art." (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (C.C.P.A. 1974)). "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As a result of this paper, claims 1-5, 7-19 and 29 include the limitation that the inner core die has a window mold member with a pair of ramps

and a boss disposed between those ramps. This limitation is not taught or disclosed by either Petty or Nolan.

As was noted in the response to the Office Action mailed on January 8, 2004, Petty teaches a method for forming a plastic pipe connector that includes a U-shaped cut-out (17). *See* Petty, col. 2, lines 60-64. According to Petty, to form the U-shaped cut-out, a moving core (16, Fig. 3a) slides through (or projects from) the external mold (15) and into a recess in the internal mandrel (19). *See* Petty, col. 2, lines 60-61. Note that the moving core (16, Fig. 3a) does not project from the internal mandrel (19), but comes from an exterior location.

Nolan, on the other hand, teaches the use of a device for molding bottle caps, having an internal core (12) and a surrounding sleeve (13). *See* Nolan, col. 1, lines 20-28. The internal core (12) has a small projection that forms a line of weakness (52) in the bottle cap, enabling the lower portion of the cap to be torn off indicating tampering of the cap. *See* Nolan, col. 2, lines 56-64. Since the projection forms a line of weakness, the projection necessarily must be a single annular projection that circumscribes the internal core (12). Although Nolan does not provide any written disclosure regarding a ramped or sloped portion, the Examiner apparently believes that the figures demonstrate that the annular projection is ramped. *See* Office Action ¶ 3, page 2.

Applicant submits that the moving core (16, Fig. 3a) of Petty is not ramped and does not extend from the inner core die (or mandrel (19)). Furthermore, the annular projection that forms a line of weakness (52) in Nolan does not create a window. Even if Petty and Nolan were combined as the Examiner suggests, the combination would not teach each and every claim limitation. Namely, the single ramp of Nolan combined with the U-shaped window member of Petty would not result in a window mold member having a pair of ramps and a boss disposed between those ramps.

There is no teaching in either Petty or Nolan as to where the U-shaped window member of Petty would be ramped. The Examiner states that one could shape the prongs of the U with a ramp. *See* Office Action ¶ 3, page 3. However, if the prongs of Petty were ramped, the inner base of the U would still prevent separation of the molded piece from the inner core die. This would render the combination of Petty and Nolan inoperable. Furthermore, if the base of the U-shape of the window mold member of Petty were ramped, this would result in a single ramp leaving a feathered edge. The rejected claims recite a pair of ramps which do not result in an

undesirable feathered edge when using a single ramp in that location. *See* Application, page 26, lines 16-18.

Furthermore, neither Petty nor Nolan discloses a boss between the ramps. The Examiner indicated that the opening (14) in Petty would be formed from a boss. However, a boss that could form the opening (14) in Petty would also prevent separation of the molded piece from the inner core die, rendering the combination of Petty and Nolan inoperable. Consequently, the combination of Petty and Nolan do not teach each and every claim limitation, and therefore cannot properly form a basis for *prima facie* obviousness under §103(a). Withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIM 6 UNDER 35 U.S.C. §103(a)

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nolan in view of Petty and further in view of Nakamura. *See* Office Action ¶ 4, page 3. Applicant respectfully traverses this rejection.

The Examiner notes that Nolan fails to teach metal molds as recited in claim 6. Nakamura was cited by the Examiner for its alleged disclosure of metal molds. This disclosure, however, does not remedy the problems associated with combining Nolan and Petty. Accordingly, the combination of Nolan, Petty and Nakamura do not teach all claim limitations as discussed above. Withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIMS 20-23 UNDER 35 U.S.C. §103(a)

Claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nolan in view of Petty. *See* Office Action ¶ 5, page 4. Applicant respectfully traverses this rejection.


This rejection is very similar to the Examiner's rejection of claims 1-5, 7-19 and 29. As noted above, *prima facie* obviousness is only established when all claim limitations are taught. M.P.E.P. §2143.03. As discussed above, neither Petty nor Nolan discloses a pair of ramps on a window mold member of an inner core die having a boss disposed there between. Consequently, the combination of Petty and Nolan do not render these claims obvious under §103(a).

Withdrawal of this rejection is respectfully requested.

CONCLUSION

Applicant respectfully asserts that claims 1-7, 9-15, 17-21, 23 and 29 are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


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